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Missing Persons Act,
General Revision - OSD #42
ABJ/71291/auj

Dear Mr. Speaker:

There is forwarded herewith a draft of proposed legislation "To amend the Missing Persons Act, as amended".

This proposal is a part of the Department of Defense Legislative Program for 1952 and it has been approved by the Bureau of the Budget. The Department of Defense recommends that it be enacted by the Congress.

Purpose of the Legislation

The present proposal would revise the Missing Persons Act, as amended (50 U.S.C. App. 1001 et seq.), and would provide permanent authority for executive heads of military and other Governmental departments to continue payment of the pay and allowances of military and civilian personnel during periods of absence from their posts of duty in a casualty or missing status, to initiate and discontinue allowances of dependents of such personnel, and to make presumptive findings of death and other determinations under appropriate circumstances.

At the outbreak of hostilities in World War II there was no law which authorized the services to make adequate provision for the dependents of certain categories of persons who for various causes were placed in a missing status. The lack of such legislation during the early months of that emergency not only subjected the dependents to realistic hardship but also confronted the military services with many administrative problems in an attempt adequately and equitably to minister to their needs.

In order to correct this condition the Congress enacted the Missing Persons Act of March 7, 1942 (56 Stat. 143), and the services operated under that law until it was abrogated by Section 3 of the Act of July 25, 1947 (61 Stat. 451). It was realized, however, that there was a continued need for legislation of this type because of the mounting tension throughout the world and the increasing number of international incidents which involved mysterious disappearances or detention of individuals at the will of an unfriendly power or hostile minority; large numbers of civilians as well as military personnel continued to serve within or in the near vicinity of those troubled areas.

Consequently, such legislation was revived by subsection 4 (e) of the Selective Service Act of 1948 (62 Stat. 608). In enacting the Universal Military Training and Service Act, Public Law 51, 82nd Congress (which is in fact an amendment to the Selective Service Act of 1948), the Congress made no change in subsection 4 (e), supra. It is believed that legislation of this type is necessary to meet the present demands of the international situation and would be essential immediately in the event of war; and that such legislation should be of a permanent nature, because the present Act will expire one year subsequent to the ratification of treaties with Germany, Italy and Japan. It is highly essential that we at this time safeguard for the future.

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The attached draft of bill is designed to accomplish the following purposes:

- a. To amend subsection 1 (a) (3) of the Missing Persons Act, as amended, in order to assure coverage of the persons employed within the continental United States when their casualty status arises out of performance of duty; to provide that full coverage on a twenty-four hour basis is retained for those employees in overseas areas who are residents of the area and have been placed in a hazardous position by virtue of living there solely for employment purposes; to provide such coverage regardless of whether the employees are full-time, part-time, temporary or intermittent; and to provide that natives or residents of overseas locations are excluded from benefits of the Act unless there was a direct connection between their casualty status and their employment.
- b. To amend Section 12 of the Act to authorize the movement of household goods and personal effects, including privately owned automobiles, of individuals who come within the provisions of the Act, but who have no dependents.
- c. To amend Section 15 of the Act to eliminate reference to its termination date, thereby creating permanent legislation.
- d. To add a new Section 20 to the Act so as to authorize the use of appropriations currently available in the settlement of any claims, rather than the utilization of appropriations retroactively to the year in which the claim originated.

Legislative References

There has been no related legislation before the Congress, except H.R. 1199, which became Public Law 131, 82nd Congress. That law amended Section 12 of the Missing Persons Act so as to authorize the transportation of household goods and personal effects, including automobiles, belong to personnel in a missing status, such transportation to be made upon the approved application of a dependent. Section 12, if amended as proposed by the attached draft of bill, would authorize such transportation in cases where the member had no dependents.

Cost and Budget Data

Enactment of the proposed legislation would result in the relatively negligible expenditure of public funds during peacetime. It would be most conjectural to approximate the fiscal effects during a period of war.

Department of Defense Action Agency

The Department of the Army has been designated as the representative of the Department of Defense for this legislation.

Sincerely,

Daniel K. Edwards

D R A F T

A BILL

To amend the Missing Persons Act, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Missing Persons Act (56 Stat. 143), as amended (50 U.S.C. App. 1001 et seq.), is further amended by changing subsection (a) (3) of section 1 thereof to read as follows:

"(3) civilian officers and employees of the departments, except that persons employed within the continental limits of the United States and persons who are residents of their places of employment in the territories and possessions or in foreign countries shall be included only upon a determination by the head of the department concerned that the status of missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged, within the meaning of section 2 of this Act, was the proximate result of employment by the department."

SEC. 2. That section 12 of such Act as amended, is further amended to read as follows:

"The dependents and household and personal effects of any person in active service (without regard to pay grade) who is officially reported as dead, injured, missing for a period of 30 days or more, interned in a neutral country, or captured by the enemy, may be moved (including packing and unpacking of household effects) to the official residence of record for any such person, or, upon application by such dependents, to such other location as may be determined in advance or subsequently approved

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designate. The cost of such transportation, including packing and unpacking of household effects, shall be charged against appropriations currently available. In lieu of transportation authorized by this section for dependents, the head of the department concerned may authorize the payment in money of amounts equal to such commercial transportation costs for the whole or such part of travel for which transportation in kind is not furnished, when such travel shall have been completed. When the person is in an "injured" status, the movement of dependents or household and personal effects provided for herein may be authorized only in cases where the anticipated period of hospitalization or treatment will be of prolonged duration. No transportation shall be authorized pursuant to this section upon application by dependents unless a reasonable relationship exists between the condition and circumstances of the dependents and the destination to which transportation is requested. Beginning June 25, 1950, and for the purposes of this section only, the terms "household and personal effects" and "household effects" may include, in addition to other authorized weight allowances, not to exceed one privately owned motor vehicle, shipment of which at Government expense is authorized in those cases where the vehicle is located outside the continental limits of the United States or in Alaska."

SEC. 3. That section 15 of such Act is amended to read as follows:

"SEC 15. This Act, except sections 13, 16, 17, and 18, shall be effective from September 8, 1939."

SEC. 4. That such Act is amended by adding at the end thereof a new section to read as follows:

"SEC 20. Any payments made under the provision of this Act are authorized to be paid from appropriations currently available."

SEC. 5. The foregoing amendments shall be effective from the date of approval of this Act.

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